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Attorneys for Plaintiff
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC., a Delaware
corporation,

Plaintiff,

v.

JEREMI FISHER; PHILIP POREMBSKI;
RYAN SHIMEALL; and JOHN DOES 1-
25, individuals, and CHOKO SYSTEMS;
HARM, INC.; iMEDIA ONLINE
SERVICES LLC; and JOHN DOES 26-50,
corporations,

Defendants.

Case No. C 09-05842 JF

**DECLARATION OF FACEBOOK
EMPLOYEE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

1 1. I, [REDACTED] member of the security team at Facebook, Inc. ("Facebook") in Palo
2 Alto, California in the United States, make this declaration based upon personal knowledge. I am
3 competent to testify to the facts stated herein.

4 2. Facebook, Inc. owns and operates the website located at
5 http://www.facebook.com. Facebook currently has more than 350 million active users.
6

7 3. My responsibilities at Facebook include maintaining the security of the Facebook
8 website and all associated networks by investigating and combating Internet based attacks on
9 Facebook and its users.

10 4. Facebook users must register with Facebook, agree to its Statement of Rights and
11 Responsibilities, and obtain a unique username and password before being permitted to view
12 complete Facebook user profiles, invite other Facebook users to be their "friend," or use the
13 Facebook networks, platform, or services (including Facebook messaging services).
14

15 5. Defendants Jeremi Fisher, Philip Porembski, and Ryan Shimeall are registered
16 users of Facebook [REDACTED]

17 6. Registered Facebook users may send and receive messages to and from other
18 registered Facebook users. Facebook users have complete control over those with whom they
19 interact on Facebook. Users also have the ability to control access to their user profiles and
20 Facebook's various messaging options.
21

22 7. In my experience, privacy controls and secure communications among Facebook
23 users are vital to the integrity of Facebook, to user confidence in Facebook services and,
24 therefore, to the overall success of the company.

25 8. Facebook does not distribute or permit the distribution of Facebook user email
26 addresses for the purposes of allowing the sending of spam to Facebook users.
27

1 9. Facebook never gave Defendants permission to conduct any of the activities that
2 are the subject of Facebook's Complaint and the present motion.

3 10. From November 5, 2008 continuing through the present, [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] Defendants' attack is sophisticated, constantly evolving,
8 and quickly escalating. [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 11. From approximately November 5, 2008 continuing through the present,
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 12. From approximately November 5, 2008 continuing through the present, [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 13. [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

14.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] All these spam messages drive traffic to the phishing websites described in Paragraphs 16-17.

15. I have observed a phishing process

[REDACTED]

[REDACTED] from Facebook users to facilitate their spam campaigns.

Defendants' spam messages contain language such as "Hey just wanted to share this with you but

I made \$852 today with google, so I thought I'd share this with you just visit

<http://profitg00glecash.info>." Facebook users who click on links included in these spam

messages are directed to a phishing website designed to induce users to

[REDACTED]

[REDACTED]

16. A number of the phishing websites I believe Defendants are using falsely appear to

be

[REDACTED]

[REDACTED] Other phishing websites I believe Defendants are using consist of a login page with commercial offers for free computers, colon cleansers, moneymaking schemes, free ringtones, and offers for things such as IQ tests.

After a user [REDACTED], the user is redirected to a third-party

commercial website. Attached hereto as Exhibit A are true and correct copies of screenshots of

1 typical visits to several of Defendants' phishing websites, including one phishing website that
2 falsely appears [REDACTED].

3 17. My testing indicates that the Defendants have used and continue to use an
4 [REDACTED] obtained
5 without authorization and to send bulk spam messages to other Facebook user accounts.
6

7 18. My Facebook colleagues and I have dedicated a substantial amount of time and
8 effort to investigating and combating Defendants' phishing and spamming campaign. Defendants
9 have implemented aggressive and successive countermeasures to maintain and expand their
10 phishing and spamming campaigns, [REDACTED]
11 [REDACTED] Facebook
12 has expended more than \$5,000 to combat Defendants' unauthorized activities.
13

14 19. [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 20. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 **I declare under penalty of perjury under the laws of the United**
23 **States that the foregoing is true and correct.**

24 EXECUTED at Palo Alto, California this 15th day of December, 2009.

25
26 [REDACTED] _____
27

1 I, Brian Hennessy, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
2 concurrence to the filing of this document has been obtained from each signatory hereto.

3 Dated: December 15, 2009

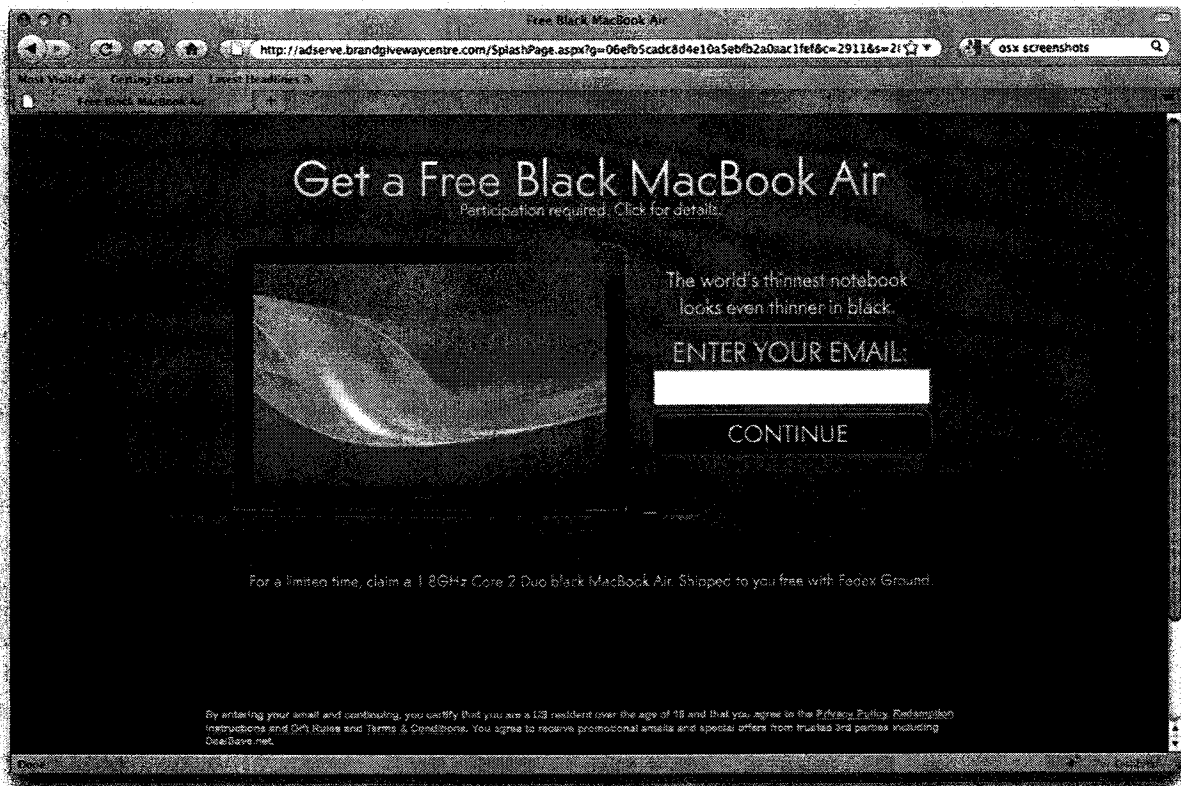
PERKINS COIE LLP

4
5 By: /s/
6 Brian Hennessy

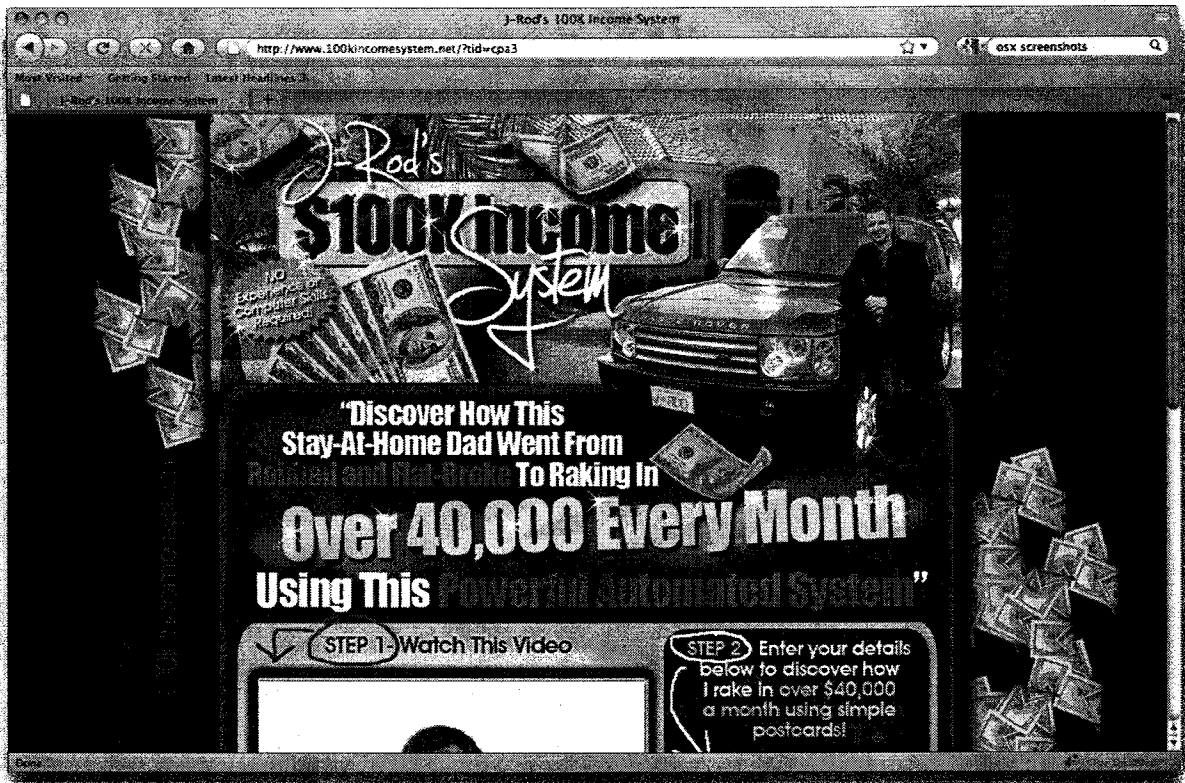
7 *Attorneys for Plaintiff Facebook, Inc.*
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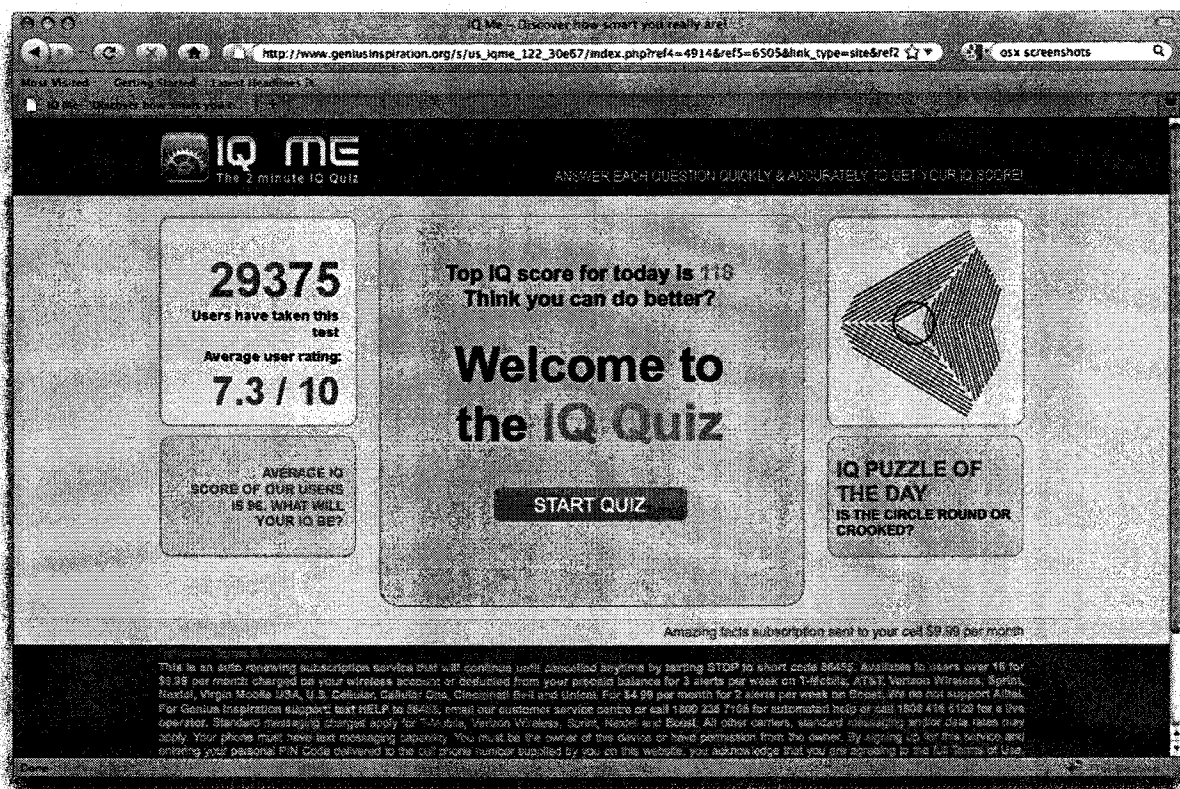
EXHIBIT A

[REDACTED]









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Get Top Chart Ringtones

Name	Time
Wow	3:13
On a Night Like This	3:32
Viva la Vida	4:01
Beautiful (feat Pharrell & Unica...	4:59

Get Hot Ringtones From Top Artists!

Artist! T.I. Katy Perry Flo Rida

Clara Colaplay & More!

Feel Good

Clint Eastwood

Drop N L...

Dave

Dirty Harry

ick Version)

Pop

5 Stars

Rytle

Pop

5 Stars

ar Death

Alternative

4 Stars

of Snoop...

Hip-Hop/Rap

5 Stars

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5 Stars

5 Stars

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